

December 15, 2006

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L05P0008**  
Proposed Ordinance No. **2006-0487**

**THORNTON'S PLACE**  
Preliminary Plat Application

Location: 13314 Southeast 180th Street, Renton

Applicant: Phillip Kitzes  
*represented by* **James Jaeger**  
Jaeger Engineering  
9419 South 204th Place  
Kent, Washington 98031  
Telephone: (253) 850-0934  
Facsimile: (253) 850-0155

King County: Department of Development and Environmental Services (DDES)  
*represented by* **Chad Tibbits**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-7194  
Facsimile: (206) 296-7051

**ISSUES AND TOPICS ADDRESSED:**

Road improvements

**SUMMARY:**

The proposed subdivision of 27 lots on 4.53 acres in the urban area is approved subject to conditions.

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:  
Department's Final Recommendation:  
Examiner's Decision:

Approve subject to conditions  
Approve subject to conditions (modified)  
Approve subject to conditions (modified)

**EXAMINER PROCEEDINGS:**

Hearing Opened:	November 30, 2006
Hearing Continued for Administrative Purposes	November 30, 2006
Hearing Closed:	December 7, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****1. General Information:**

Developer:	Phillip Kitzes 23035 SE 263 <sup>rd</sup> Street Maple Valley, WA 98038 206-227-7445
Engineer:	Jaeger Engineering 9419 South 204 <sup>th</sup> Place Kent, WA 98031 253-850-0934
STR:	34-23-05
Location:	Located at 13314 SE 180 <sup>th</sup> Street, Renton, WA.
Zoning:	R-6
Acreage:	4.53 acres
Number of Lots:	27
Density:	Approximately 6.0 units per acre
Lot Size:	Sizes range from 4,500 to 7,700 square feet in size
Proposed Use:	Single Family Detached Dwellings
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	King County Fire District No. 40
School District:	Kent School District No. 415
Complete Application Date:	May 6, 2005
Associated Applications:	Road Variance File No L06V0011

- Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the November 30, 2006 public hearing are found to be correct and are incorporated herein by this reference. The LUSD staff recommends approval of the application, subject to conditions.
- The proposed subdivision is one of several recently proposed for development adjacent to Southeast 180th Street, west of 140th Avenue Southeast. These developments will initially have

their sole access to the arterial road system by way of Southeast 180th Street. Although it is expected that there will ultimately be one or more connections to the arterial road system, those connections are not yet planned and designed, and may not occur for several years, if they occur at all.

Southeast 180th Street, as currently developed, is not safe to provide access to and from this proposed development and other developments planned in the area. In summary, the current roadway is narrow (approximately 18 feet in width), has steep vertical curves, lacks drainage controls, and has no sidewalks. Improvements to Southeast 180th Street have been the subject of road variance applications considered and approved by the King County Road Engineer. The road variances recently approved by the King County Road Engineer to allow new development on Southeast 180th Street have required certain substantial improvements to Southeast 180th Street as conditions of the approved variances.

King County Road Standards are adopted by the King County Council. Any land development which is required to improve roads within, abutting, or serving new development shall do so in accordance with the adopted standards. KCC 14.42.040. Variances from the standards may be granted by the Road Engineer, based upon evidence that the variance is in the public interest, and that requirements for safety, function, fire protection, appearance and maintainability are fully met. KCC 14.42.060. Road variance decisions are primarily a matter of engineering judgment. Appeals from decisions made on variances are considered by the Department of Transportation, in accordance with its rules. That department's decision on road variance appeals is final. KCC 14.42.062.

4. Improvements were recently completed by King County to 140th Avenue Southeast, including the intersection of 140th Avenue Southeast with Southeast 180th Street. Although that intersection is inconsistent with current King County road standards for new construction, it is considered by the King County Department of Transportation to be safe for traffic to and from this proposed development.
5. The Applicant for this development proposes to improve Southeast 180th Street to the urban subcollector standard, although the ultimate classification will probably be a neighborhood collector. The Applicant proposes to provide curb, gutter and sidewalk along portions of the north side of Southeast 180th Street, modify the horizontal alignment, and reduce the crest (vertical) curves, in the manner authorized by County Road Variance L06V0011. The proposed realignment was determined by the county Road Engineer to be compatible with a future upgrade to a neighborhood collector classification, and the modifications from construction standards were determined to be reasonable in light of the topographic and sensitive area constraints. Consequently, a road variance was approved, subject to conditions.
6. It is anticipated that 134th Avenue Southeast will remain unopened or be barricaded south of Southeast 180th Street until such time as an alternative access to the north is open. This will preclude additional traffic from the south from utilizing Southeast 180th Street to access 140th Avenue Southeast. The Department of Transportation anticipates that a future access through property currently known as "Molasses Creek" will be developed to the north, to intersect with Southeast Petrovitsky Road. Once that connection to the north is constructed, improved neighborhood circulation, with alternative routes, will exist.
7. Southeast 180th Street, immediately east of the subject property, is currently developed outside of the existing county right-of-way, encroaching on properties to the north. King County claims prescriptive rights to the current roadway. However, preliminary plans for reconstruction and

improvement of Southeast 180th Street have been developed to move the roadway onto public right-of-way, to the maximum extent feasible.

8. The development of this property and other properties in the vicinity, with the improvements proposed, will provide adequate walkways for children who walk to school from the proposed development.
9. Safe access for residents of this proposed development is dependent upon reconstruction and improvement of Southeast 180th Street along the frontage of the subject property, and east from the property for the entire distance to 140th Avenue Southeast. In the event other development anticipated to occur between the subject property and 140th Avenue Southeast does not provide the expected improvements prior to the recording of the final plat of Thornton's Place, safe access will not exist.
10. The developer of the subject property is required to make payments to King County in accordance with the county road mitigation payment system, to mitigate impacts of this development on the county road system in the vicinity of this property. The mitigation payment system is administered by the King County Department of Transportation. If the developer wishes to request credit against its obligation to make payments of MPS fees, application for such credit must be made to the Department of Transportation.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare, and for open spaces, surface water drainage, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of the development upon the environment.
4. The dedications of land and easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant (as revised and received October 20, 2006), are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. Substantial improvements are necessary to be made to Southeast 180th Street from the proposed plat to 140th Avenue Southeast in order to provide safe access for future residents of the proposed development and safe walking conditions for children who only walk to school. The improvements required by the conditions of final plat approval, including the necessary off site road and sidewalk requirements expected to be completed by other developments with preliminary approval, to provide safe vehicle access and walking conditions, must be completed prior to final approval of this plat.
6. Road improvements should provide for the control of surface water drainage consistent with King County road standards and the King County Surface Water Design Manual.

7. To the extent feasible, road improvements should be relocated onto King County right-of-way, minimizing the use of prescriptive rights and consequent impacts on adjacent property owners.

DECISION:

The proposed preliminary plat of Thornton's Place, as revised and received October 20, 2006, is granted preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

Any plat boundary discrepancy shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. The applicant must obtain final approval from the King County Health Department, specifically including decommissioning the exiting septic system and capping the existing well on-site.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS), and approved variances.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code. (Home sprinkler requirements may be imposed.)
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code (KCC) 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Standard plan notes and a construction sequence as specified in the King County drainage manual shall be shown on the engineering plans (Reference Section 7B).
  - c. As required in Chapter 2 of the drainage manual, a storm water pollution prevention and spill (SWPPS) plan shall be included with the project engineering plans.

- d. To implement the required Best Management Practices (BMP's) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the drainage manual. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.
  - e. Storm water facilities shall be designed using the KCRTS Conservation flow control standard. Water quality facilities shall also be provided using the basic water quality protection menu. The proposed onsite storm water vault shall be revised as necessary to comply with requirements for a 3:1 flow path for water quality treatment as outlined in the drainage manual on page 6-74. All offsite road improvements shall also provide drainage facilities as required by County standards for flow control and water quality.
  - f. The size of the proposed drainage tracts may need to increase to accommodate the required detention storage volumes, water quality facilities, and requirements for recreation space. All runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for recreation space in accordance with KCC 21A.14.180. In this case, Tract A and Tract E will be retained in private ownership and shall include a public drainage easement to allow King County access and maintenance of the drainage facilities. The panhandle, designated "Tract E" on the preliminary plat, may be incorporated into Tract A and an access easement provided to lot 27. Minor reconfiguration of the tract and lot boundaries is permissible.
  - g. As depicted by field topography on the site plans, an upstream drainage basin is located east of the subject property. The final engineering plans shall be designed to address any requirements for offsite bypass as described on page 1-42 in the drainage manual.
  - h. The subject property is located in an area mapped by King County as a landslide hazard drainage area. To address the requirements in the drainage manual for Core Requirement No. 1, the applicant has proposed an offsite drainage pipe extending westerly to a suitable discharge location within a wetland buffer. Prior to engineering plan approval, the applicant shall provide written approval from the adjacent property owner indicating their agreement to allow the construction and to grant a public drainage easement for the storm pipe. The drainage easement shall be recorded prior to or concurrent with final plat recording. The analysis and design for the offsite pipe shall comply with applicable conveyance standards in Chapter 4 of the drainage manual.
  - i. Due to the steep slopes located adjacent to the property, the applicant shall submit a geotechnical report with the engineering plans to evaluate soil conditions and address applicable design standards for the storm water vault located within Tract A.
8. Any proposed clearing and grading of the site shall comply with the soil amendment requirements in KCC 16.82.100.
9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. During preliminary review the applicant submitted a road variance application (File No. L06V0011) regarding the design for offsite road improvements on SE 180<sup>th</sup> Street and the proposed length of cul-de-sac. The County Road Engineer granted approval for the variance subject to the conditions outlined in the decision letter dated August 28, 2006. All final road improvements shall comply with the design requirements as summarized in the variance approval.
- b. To assure completion of the full width road improvements on SE 180<sup>th</sup> street, the applicant has agreed to perform the frontage and offsite road improvements along SE 180<sup>th</sup> concurrent with or following development of the Hoscheit and Ballard subdivisions.  
The Thornton's Place subdivision shall complete the north half of SE 180<sup>th</sup> Street along the property frontage to an urban subaccess standard. The offsite road improvements on SE 180<sup>th</sup> Street shall include urban neighborhood collector standards extending from 134<sup>th</sup> Ave SE to the eastern boundary of the Ballard plat. The portion of SE 180<sup>th</sup> Street extending easterly from the Ballard plat to SE 140<sup>th</sup> shall be widened with 28 feet of pavement and a sidewalk on the north side. All design requirements outlined in the approved road variance shall apply for construction of the offsite improvements along SE 180<sup>th</sup> Street. Modifications to these requirements may be made by the King County road engineer as an addendum or supplement to road variance L06V0011.  
  
To the extent feasible, improvements to and reconstruction of Southeast 180th Street shall be within dedicated King County right-of-way, minimizing the use of prescriptive rights acquired from adjacent properties to the north.
- c. 133<sup>rd</sup> Court SE shall be improved as an urban subaccess street.
- d. Tract C shall be designed as a private access tract serving four lots. The served lots shall have undivided ownership of the tract and be responsible for its maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads which include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
- e. Tract D shall be improved as a private joint use driveway serving lots 23 and 24. The lots served shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- f. The area within proposed Tract E shall be improved with a paved driveway to provide adequate access for lot 27, and to Tract A for recreation and drainage. Lot 27 and the ownership of Tract A shall have undivided ownership of Tract E and be responsible for its maintenance. Tract E shall also include a public drainage easement to allow King County access and maintenance of the drainage facilities within Tract A. (The configuration and ownership of this area may be modified per condition "7.f".)
- g. As shown on the preliminary plat, full width right-of-way shall be dedicated along the plat frontage for SE 180<sup>th</sup> Street, and will be coordinated with development of the Hoscheit short plat.

- h. As determined necessary by King County, a driveway location along SE 180<sup>th</sup> Street shall be specified for lot 13 to avoid vehicular conflicts with the intersection at 134<sup>th</sup> Ave SE. During engineering review, King County will determine the proper location for the driveway near the west side of lot 13. The final plat shall record notes or specifications to restrict the driveway location. As an option, the applicant may also improve a joint use driveway to be shared by lots 12 and 13 at the common lot line.
  - i. All proposed road improvements shall address applicable requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt.
  - j. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
  - k. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance. (Any allowance of credit against the MPS fee shall be determined by King County DOT.)
- 13. (Condition 13 is eliminated)
- 14.
  - a. Off-site access to the subdivision shall be over a dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
  - b. On site plat development activity shall proceed only after a safe access for construction vehicles is approved by DDES. This may require that certain road improvements be made as a first or early stage of development.
- 15. The proposed subdivision shall comply with the Critical Areas Code as outlined in K.C.C. 21A.24. Permanent survey marking, and signs as specified in K.C.C. 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of critical areas and their buffers



(e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

16. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from K.C.C. 21A.24 shall also be addressed by the applicant.

### **Geotechnical**

The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in K.C.C. 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in K.C.C. 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.

The following note shall be shown on the final engineering plan and recorded plat:

#### **RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS AND BUFFERS**

Dedication of a critical area tract/critical area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans. (Conceptual Recreation Plan prepared by Backyard Botanical dated November 23, 2005).

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation space.
19. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if SE 180<sup>th</sup> Street is on a bus route. If SE 180<sup>th</sup> Street is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
20. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current county fees.
21. To implement K.C.C. 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 21A.38.230, as well as the

conceptual tree retention plan (dated November 23, 2005). No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d.(2).

22. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

ORDERED this 15th day of December, 2006.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

TRANSMITTED this 15th day of December, 2006, to the parties and interested persons of record:

J. Paul Blake 17627 - 133rd Pl. SE Renton WA 98058	City of Renton 1055 S. Grady Way Renton WA 98055	Charles de-Turenne 18523 - 132nd Pl. SE Renton WA 98058
Scott & Maria Dittberner 17529 - 133rd Ln. SE Renton WA 98058	Jarrett Hendricks 17619 - 133rd Pl. SE Renton WA 98058	James J. Jaeger Jaeger Engineering 9419 S. 204th Pl. Kent WA 98031
Phil Kitzes 23035 SE 263rd St. Maple Valley WA 98038	Lozier Homes, Corp. Attn: Jennifer McCall 1203 - 114th Ave. SE Bellevue WA 98004	Todd & Michelle Reedy 13426 SE 180th St. Renton WA 98058
To-Leung Say 17533 - 133rd Ln. SE Renton WA 98058	Seattle KC Health Dept. E. Dist. Environ. Health 14350 SE Eastgate Way Bellevue WA 98007	Clem & Maud Sojak 13404 SE 180th St. Renton WA 98058
Chang Soon Lee Thornton 13314 SE 180th St. Renton WA 98058	Kim Claussen DDES/LUSD MS OAK-DE-0100	Lisa Dinsmore DDES/LUSD MS OAK-DE-0100
Peter Dye DDES/LUSD MS OAK-DE-0100	Nick Gillen DDES/LUSD MS OAK-DE-0100	Shirley Goll DDES/LUSD MS OAK-DE-0100
Kristen Langley DDES/LUSD MS OAK-DE-0100	Chad Tibbits DDES - LUSD MS OAK-DE-0100	Steve Townsend DDES/LUSD MS OAK-DE-0100

Larry West  
DDES/LUSD  
MS OAK-DE-0100

Kelly Whiting  
KC DOT, Rd. Svcs. Div.  
MS KSC-TR-0231

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before December 29, 2006***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before January 5, 2007***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### MINUTES OF THE NOVEMBER 30, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L05P0008.

The public hearing on this application was opened at 9:30 a.m. on November 30, 2006 and was continued for administrative purposes at 11:50 a.m. on November 30, 2006. On December 7, 2006 the Examiner declared the record of the hearing closed.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Chad Tibbits, Pete Dye, and Kristen Langley, representing the Department; James J. Jaeger, representing the Applicant, and Todd Reedy, Darrel Offe, Clem Sojak and Jonathan Kurth.

The following Exhibits were offered and entered into the record:

- |               |  |
|---------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services file no. L05P0008                           |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report, dated November 30, 2006 |
| Exhibit No. 3 | Application for Land Use Permits received April 8, 2005  |
| Exhibit No. 4 | SEPA Environmental checklist received April 8, 2005  |
| Exhibit No. 5 | SEPA Determination of Non-significance issued October 13, 2005                                   |
| Exhibit No. 6 | Affidavit of Posting indicating a posting date of May 28, 2005; received by DDES on May 31, 2005 |
| Exhibit No. 7 | Preliminary plat map received October 20, 2006   |

- Exhibit No. 8      Revised Level 1 Downstream Analysis prepared by Jaeger Engineering, received November 28, 2005
- Exhibit No. 9      Certificate of Water Availability from Soos Creek Water and Sewer District dated January 15, 2005
- Exhibit No. 10     Certificate of Sewer Availability from Soos Creek Water and Sewer District dated January 15, 2005
- Exhibit No. 11     Conceptual Recreation Plan, received April 8, 2005
- Exhibit No. 12     Revised Conceptual Drainage Plan, received October 20, 2006
- Exhibit No. 13     Annotated Aerial Photograph dated November 30, 2006
- Exhibit No. 14     Email to Chad Tibbits from Debra Champagne with comments and photographs dated November 30, 2006
- Exhibit No. 15     Letter to DDES from Clem & Maud Sojak and Todd & Michelle Reedy with attached settlement agreement for the Hoscheit Short Plat
- Exhibit No. 16     Map of the Ballard preliminary plat
- Exhibit No. 17     Conceptual Road Improvement Plan
- Exhibit No. 18     Letter dated December 4, 2006 from Maud Sojak
- Exhibit No. 19     Letter dated December 6, 2006 from Phillip Kitzes, P K Enterprises